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## MINUTES

The Town of Manteo Board of Commissioners held their Regular session July 1, 2020 at the Manteo Town Hall, 407 Budleigh Street and via teleconference by calling +1-253-215-8782, +1-301-715-8592, or +1-346-248-7799 and then entering the Meeting ID of 622-572-789 at 6:30 p.m.

The following members were present:

Mayor Bobby Owens  
Commissioner Darrell Collins  
Commissioner Christine Walker  
Commissioner Eddie Mann  
Commissioner Richie Burke  
Commissioner Betty Selby  
Commissioner Jason Borland

The following members were absent:

Also present at the meeting were:

Town Manager James Ayers  
Town Clerk Becky Breiholz  
Planner Melissa Dickerson  
IT Director Carl Woody

Mayor Owens called the meeting to order at 6:30 pm followed by a moment of silent meditation and the Pledge of Allegiance.

Town Manager James Ayers did a roll call of those physical present: Mayor Owens; Commissioner Eddie Mann; Mayor Pro Temp Betty Selby; Commissioner Jason Borland. The following were present via remote teleconference: Commissioner Walker; Commissioner Burke; Commissioner Darrell Collins. A quorum was established.

**SUBJECT:** Adoption of Agenda as presented or amended.

**MOTION:** Commissioner Mann seconded by Commissioner Borland to approve the agenda as presented was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None.

**SUBJECT:** Adoption of the items on the Consent Agenda as presented or amended.

**MOTION:** Commissioner Selby seconded by Commissioner Mann to approve the June 3, 2020 Regular; June 17, 2020 Recessed minutes on consent agenda as presented was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None.

**PRESENTATION** – Promotion of Local Economy – Town Manager James Ayers presented the following to the Board of Commissioners:

Local governments are allowed to perform economic development in order to attract or retain businesses, which in turn helps the local tax base. However, he looks at economic development

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at a more personal level – each local business produces jobs for our residents plus having thriving businesses contributes to community vibrancy, which can be enjoyed by all community members.

Even before COVID-19 hit the local economy, the Town was already working on ideas and programs designed to assist local businesses, including the DAC initiative that is our pathway to the Main Street America program as well as the proposed Manteo Business Association. However, we can't wait for the State Department of Commerce to help us with our strategic planning and program implementation – we need to act now to help businesses.

The Town has been consulting with local businesses and non-profits along with experts referred to us by business leaders, and we are taking critical steps to support businesses. For example, you have already heard how we are helping to start the Manteo Business Association, including free dues for a year and marketing support. Starting tonight, we are rolling out a range of promotional activities.

Radio ads will start tomorrow morning to draw people to Manteo, plus we have advertising going out on social media as well. We are also working with the Outer Banks Visitors Bureau to do cooperative marketing, including online ads and email blasts, with Manteo as a featured destination. We even have print media going out with the Town buying a two-page spread from One Boat for Outer Banks This Week.

Of course, with all of these ads sending people to Manteo, we need to have a place for visitors to land online. Mr. Ayers is pleased to present to the Board with a new website and social media channels under the brand of Discover Manteo. If you go to DiscoverManteo.com, you will see that Town staff has developed in-house a brand-new website for visitors to explore the businesses and attractions in our town. Staff has developed the site, content, videos, and more. Mr. Ayers took the Board on a quick tour of the website.

He acknowledges the future Manteo Business Association may choose to do a bigger website when it gets underway but is very proud of what staff has accomplished in getting this project underway so quickly. He offered congratulations to IT department head Carl Woody and Program Manager Michele Bunce for taking on this challenging assignment and producing a professional yet fun website for the visitors we want to draw to Manteo. We are hopeful that local businesses will see this free advertising and support services as confirmation that this town cares about the businesses, it appreciates the jobs they create, and it supports the greater Manteo community. Mr. Ayers explained that the Town is helping to facilitate the website and the asset will be turned over to the Manteo Business Association once it is established and this is to help get it started.

## **PUBLIC COMMENTS**

Mayor Owens opened up public comments and Mr. Ayers read the Public Comment statement: *Members of the public are invited to address the Board of Commissioners on any topic. Public Comment is not intended to require the Board to answer any impromptu questions or to take any action on items brought up during the public comment period. Speakers will address all the comments to the Board as a whole and not one individual Commissioner. Discussions between*

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*speakers and members of the audience will not be allowed. Time limits are 3 minutes per person or 5 minutes per group. Please identify yourself and your location so that your statements can be recorded. Members of the public will be recognized by the last 4 digits of their phone number and can unmute themselves by hitting \*9*

#4963-Todd Clissold, Compton Street thanked the Town staff and Commissioners for helping downtown businesses. He would like the Board to consider allowing boat lifts to individual marinas and approve the text amendment and leave the choice up to the individual marinas to allow boat lifts in Marshes Light, Shallowbag Bay Club and Pirates Cove.

## **NEW BUSINESS**

Town Common Advisory Task Force-Mr. Ayers reported that this had been brought up by two members of the Board of Commissioners to have an advisory committee help with the transition of the Town Common in the design phase and future phases. There was a proposed slate of candidates for the committee: Commissioner's Mann and Borland and members Sarah Benson; Malcolm Fearing; Sherry Wickstrom, Bebe Woody, Dave Stempel and the Town Manager would also be involved. Mr. Ayers explained this would be an advisory board not a voting board and their recommendations would come to the Commissioners for approval.

Mayor Owens commented that this is an advisory board it was just a recommendation and we do not need to get an exorbitant amount of people and thinks the ones named is a broad representation of Manteo. Commissioner Walker asked if this was for advice only and not binding, anything they recommend will still be brought back to the Board. Mr. Ayers responded this Board is time limited and everything they recommend will need to be approved by the Commissioners. Commissioner Selby asked if applications were received for these appointments and how did they approve them. Mr. Ayers commented that no this is not a long-term committee and that the Board can just make appointments because there is a time limit, these were names suggested by members of the Board. Commissioner Selby commented that her concern is, she is not going to sit up here as a black woman and make appointments to Board's unless it gets more diverse and inclusive, we need to reach out to community and involve everybody. Mayor Owens commented that this Board will eventually go away and that they are only an advisory board anything they recommend will have to come to the Board for final approval. Commissioner Collins asked if we could add two names to this committee, Clarence Lewis, Gina Owens and possibly Frank Hester. Commissioner Borland asked how we could add these names to the task force without delaying the formation of the committee. Commissioner Selby commented that she thinks we should just leave it the way it is, since it is a time limited committee. Mayor Owens stated if it is going to get complicated, we should just leave it up to the Town Manager as usual. Commissioner Selby does not think it should be left up to the Manager and we should just go with the previous stated names.

**MOTION:** Commissioner Selby seconded by Commissioner Mann to approve the appointments of Sarah Benson; Malcolm Fearing; Sherry Wickstrom, Bebe Woody, Dave Stempel to Town Common Task Force was approved by the following roll call vote: Ayes: Commissioners Selby, Mann, Burke and Walker. Nays: Collins and Borland. Absent: None.

## **OLD BUSINESS**

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**SUBJECT:** Text amendment to the Town of Manteo Zoning Ordinances Section 12-7 Boat Lifts. A public hearing was held on June 17, 2020 and because of the Governors Executive Order during the COVID 19 Pandemic 24 hours are allowed for additional comment after the public hearing was held. The Planning Board also discussed this issue and held a public hearing on June 9, 2020. The Planning Board finds action to amend the Town of Manteo's Zoning Ordinance Section 12-7 to be inconsistent with the Town's Land Use Plan per §160A-383, in a 4 to 1 vote, the Planning Board recommends that the Board of Commissioners not amend the Town's Zoning Code Article 12-USE PROVISIONS Section 12-7 Marinas (a) (2).

An email was received from Sarah Benson-Agona Street and as a citizen residing near the Historic Waterfront would like additional wording in the ordinance to protect our Town's valuable asset of a beautiful and walkable boardwalk. This would be added to the Zoning Ordinance Section 12-7 in the intent section "It is the intent of this section to formalize the character and uses of the various marina areas about the town," and it is also the intent of this ordinance not to allow anything, including boat lifts, or any devices attached to pilings or docks and designed to suspend a boat over the water that would block the public view of the Historic Manteo Waterfront including the Town Marina.

Commissioner Mann asked if this needed to go back to the Planning Board if they make changes and Town Attorney Ben Gallop commented that it would if there are substantive changes. Commissioner Mann would like to modify the amendment to not allow boat lifts in Manteo Historic waterfront as defined so it would be clear that boat lifts are not allowed on Town owned docks but allowed in marinas and refer back to the Planning Board. Commissioner Borland agrees and thinks we have several different things going on; the land use plan needs to be updated, there are some inconsistencies and clarity needs to be made. In the ordinance it has them broken down into 3 sections, Historic Manteo Waterfront, Shallowbag Bay South and then Pirates Cove. They should be allowed in private marinas and allow them to make their own choice. He thinks those that are opposing can be addressed by additional language and a lot of fear that the downtown will be filled with boat lifts and send it back with the intent to allow boat lifts and to add language that will restrict them in Historic Manteo Waterfront.

**MOTION:** Commissioner Mann seconded by Commissioner Borland to approve the zoning text amendment as presented and refer to Planning and Zoning Board a proposed text amendment prohibiting boats lifts on property owned by the Town on the Historic Manteo Waterfront as defined in Section 12-7 (a) (1) of zoning ordinance **MOTION AMENDED** by Commissioner Borland with Commissioner Mann accepting the amended motion to have the Planning Board to take into consideration restrictive language such as moving boats during named storms and length of boat was approved by the following roll call vote: Ayes: Commissioners Selby, Borland, Mann. Nays: Commissioners Burke, Walker and Collins. **MAYOR OWENS broke the tie by voting Aye.** Absent: None

#### **MAYOR'S/COMMISSIONERS COMMENTS**

Commissioner Selby-thinks the website looks good. Thanked the staff for providing the glass partitions. She would also like the Board to reach out to different people to sit on different boards.

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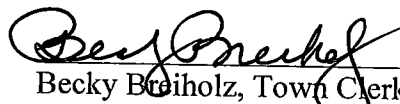
Commissioner Walker asked what the status was of the iron work for the cemetery arches. Mr. Ayers commented that we are waiting on estimates.

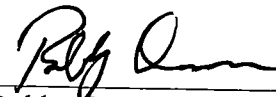
Commissioner Borland commented the website will hopefully drive more visitors to the Town and be able to hand off to the Manteo Business Association. As shops reopen find ways how we can have more minority businesses in the Town.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Mann seconded by Commissioner Walker the meeting was recessed at 7:40 pm until July 15, 2020 at 5:00 pm was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland and Selby. Nays: None. Absent: None

This the 1<sup>st</sup> day of July 2020

ATTEST:

  
Becky Braiholz, Town Clerk

  
Bobby Owens, Mayor





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AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE TOWN OF MANTEO, NORTH CAROLINA TO ALLOW FOR BOAT  
LIFTS IN THE SHALLOW BAG BAY SOUTH MARINA AREA  
(ZTA 2020-05Z)

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Manteo (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has also codified other ordinance provisions Town in the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174, the Town may enact and amend ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances within its jurisdiction; and

WHEREAS, currently the Town's Zoning Ordinance prohibits boat lifts and similar devices in marinas located in the Shallowbag Bay South area, and the Town desires to allow boat lifts and similar devices in that marina area; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance

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1 NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners of the  
2 Town of Manteo, North Carolina, that the Town's Zoning Ordinance be amended as  
3 follows:  
4

5 **PART I.** That **Sec. 12-7(a)(2)** of the Zoning Ordinance, Town of Manteo, North  
6 Carolina, is hereby amended to read as follows:  
7

8 (2) *Shallowbag Bay South* (south of the NC Maritime Museum). This area  
9 historically has been the site of traditional watermen activities such as crab-  
10 shedding, oystering, and wooden boat building. These uses are still  
11 encouraged even as the primary use shifts toward private, recreational boating.  
12 Further development of this area for commercial charter boats is not allowed.  
13 ~~Boat lifts, or any devices attached to pilings or docks and designed to suspend~~  
14 ~~a boat over the water, are not permitted in marinas.~~  
15

16 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
17 **Reasonableness.**  
18

19 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
20 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
21 is applicable. For all of the above-stated reasons and any additional reasons supporting  
22 the Town's adoption of this ordinance amendment, the Town considers the adoption of  
23 this ordinance amendment to be reasonable and in the public interest.  
24

25 **ARTICLE V. Severability.**  
26

27 All Town ordinances or parts of ordinances in conflict with this ordinance amendment  
28 are hereby repealed. Should a court of competent jurisdiction declare this ordinance  
29 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
30 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
31 Town of Manteo, North Carolina which shall remain in full force and effect.  
32  
33

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1 ARTICLE VI. Effective Date.

2  
3 This ordinance amendment shall be in full force and effect from and after the 1<sup>st</sup> day of

4 July, 2020.

5  
6 Bobby Owens  
Bobby Owens, Mayor

7 ATTEST:

8 Becky Breiholz  
Becky Breiholz, Town Clerk

9  
10 Date adopted: July 1, 2020

11 Motion to adopt by Commissioner Mann

12 Motion seconded by Commissioner Borland

13 Vote: 4 AYES 3 NAYS

